

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 26, 2000
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Lambke, Martz, Pisciotte, Rogers; present. *Council Member Gale absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Warris Jaffrey, Islamic.

*Council Member Gale present.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of September 19, 2000, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS

Proclamations previously approved were presented.

AWARDS

Youth recognition awards – Wichita's Promise – were presented.

UNFINISHED BUSINESS

CORR. HOUSING

ALTERNATIVE CORRECTIONAL HOUSING.

Item deferred from September 12, 2000, meeting.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 00-0852 A

The Wichita/Sedgwick County Alternative Correctional Housing Advisory Board was established on October 1, 1996. An appointed Board was selected to formalize the efforts of the Alternative Correctional Housing Task Force, Co-chaired by Council Member Joan Cole and former County Commissioner Melody Miller. The Task Force held weekly meetings beginning in February 1996 to study concerns raised by neighborhoods and the judicial system over alternative correctional housing. (Alternative Correctional Housing is defined as community-based living arrangements which provide structured residential facilities as an alternative to incarceration in State penal institutions or in the County jail).

When the Task Force first began its work it found that facilities in existence in Sedgwick County varied in commitment to rehabilitating and reintegrating offenders into the community as productive citizens. Some of the facilities offered residential services along with structured programs and a wide variety of support services, while others provided a primarily residential living environment. The actual number and condition of alternative correctional housing facilities was unknown as facilities were not required to be licensed or regulated. However, research conducted at that time indicated that such facilities were primarily concentrated in the core area of the City and in the northeast community.

The Task Force responded to a number of concerns expressed by neighborhood residents. Specifically, residents were concerned about the appearance of the group homes; the types of offenders residing in the homes which relate to concerns of neighborhood safety; the number of homes, or offenders residing within a home (density of population) in a neighborhood; and the quality of life for clients residing in the facilities.

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As a result of the Task Force's meetings, research, and public hearings, a Preliminary Report was prepared and presented to the City Council, County Commission and the Metropolitan Area Planning Commission in separate workshops. The report was also provided to the Citizen Participation Councils CPO's). In its report to the governing bodies, the Task Force made the following recommendations:

- ? Require alternative correctional housing facilities to be licensed
- ? Approve "Steps for Licensing" for new and existing facilities
- ? Require applicants (for licenses) to meet criminal record check requirements
- ? Amend the zoning code definitions and permitted classes
- ? Require facilities to meet minimum standards for operation as certified by the program auditor
- ? Establish a City/County Correctional Housing Board to regulate and govern standards for operation

Board Composition: The Task Force recommended a board composition of 21 members appointed by the City Council and the County Commission. These included:

- ? One Member from the Wichita City Council
- ? One Member from the County Commission
- ? A District Court Judge
- ? A Municipal Court Judge
- ? Representative from Community Corrections Advisory Bd.
- ? Representative from the Sheriff's Office
- ? Representative from the State Parole Office
- ? A Police Department representative
- ? Representative from the District Court Probation Office
- ? Representative from Municipal Court Probation Office
- ? Representative from Sedgwick County Department of Corrections
- ? Representative from a federal correctional facility
- ? Representative from an alcohol/drug treatment program
- ? Two private sector representatives with expertise in corrections
- ? Three neighborhood representatives
- ? Representative from a university and from the ALARM group

From within the larger advisory board, a seven-member regulatory committee was created to serve as an appeals committee for the granting or denial of licenses by staff, and on the interpretation of licensing standards. (Representatives from the Sheriff's Office, Police Department, District Court and Municipal Court judges, and the representative from the District Attorney's Office cannot serve on this committee due to the potential conflict of interest). The appeals committee was given authority to revoke licenses upon notice with a hearing before the committee and a report to the City Council (or County Commission) depending on the jurisdiction/location of the facility.

City Council Review: On July 18, 2000, the City Council considered an amendment to the Ordinance establishing the Alternative Correctional Housing Board and Licensing of Facilities. The Council directed Staff to revisit the mission of the Correctional Housing program; determine if the Board should have a "broader-base" membership; review the ordinance establishing the authority of the Board and determine if such tasks and responsibilities could be handled administratively by City departments; and evaluate the Board under the provisions of the City's "sunsetting policy" for boards/commissions.

Since the inception of the Alternative Correctional Housing Advisory Board in 1996, a number of actions have taken place with respect to the structure and governance of this board. On May 10, 2000, the Sedgwick County Commission adopted a resolution, which terminated the County's participation on the Wichita/Sedgwick County Alternative Correctional Housing board. This action ended the Board's ability to regulate correctional housing facilities outside the City limits. In addition to changing the jurisdiction of the Board, the County's resolution has also impacted half of the current membership of the Board, as 10 of the 21 members were appointed by the County Commission.

As a result of the County's action to terminate participation on this Board, the City Council considered an amendment to its ordinance to reflect this and other changes deemed necessary by the Board. With respect to the membership, the Alternative Correctional Housing Board recommended to the City Council that the Board be reduced from 21 to 19 voting members. The membership from ALARM was eliminated (at the organization's request), along with members from the Sedgwick County Commission, a federal residential correctional facility, and an alcohol and drug treatment program. It was suggested, however, that other members be added, including: a representative from the federal probation office and a member with expertise in alcohol and drug treatment. The

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Board also recommended that no voting member can be a representative of a provider licensed pursuant to the ordinance, but did recommend two non-voting members to the Board who are representatives of licensed providers.

The Council was also asked to consider an amendment to Section 20.08.090 of the City's Code which provides that licensed service providers may not employ persons who are under the supervision of a local court. This section of the current Code only prohibits providers from hiring persons under the supervision of a federal or state court, and is inconsistent with the minimal standards contained in Section 20.08.110 of the current Code, which contains a prohibition against hiring persons who are on probation to a federal, state or local court.

July 18, 2000 Council Action: The City Council placed the revised ordinance on first reading with the following amendments: (1) the word "supervisory" be inserted in the first sentence of Section 20.08.090 (c) between the words "unpaid" and "persons" to have the sentence read: ; "In addition to the records check for owners and managers of the facility, the facility must establish a personnel policy which prohibits employment of paid or unpaid supervisory persons who;" and (2) the word "supervisory" be inserted in the second sentence of Section of 20.08.110 (a)(16) between the words "unpaid" and "persons" to have the sentence read: "The facility will establish a personnel policy that prohibits employment of paid or unpaid supervisory persons with any of the following;" and that adoption of the ordinance be deferred to allow time to develop recommendations as to how isolated parts of the Ordinance's responsibilities can be delegated to current City departments.

REGULATORY OPTIONS: The following sets forth alternatives for administration and regulation of alternative correctional housing facilities.

OPTION A – Administrative Enforcement

This Option assumes the termination of the Alternative Correctional Housing Advisory Board and charges City Departments with the licensing, oversight and enforcement of the regulations (established by ordinance) of such facilities.

City staff would continue to be responsible for the licensure of alternative correctional housing facilities. License forms are available at the Treasury Office (City Hall Express Office). Instructions provide that the applicant obtain life, health and safety inspections which will continue to be coordinated through the Office of Central Inspection (OCI). This office also checks for appropriate zoning and coordinates Fire and Health Department inspections when necessary. Criminal record checks are currently performed by the Police Department and continue under the supervision of this department with results reported back to OCI.

The program audit function would be contracted out on an as-needed basis. Yearly evaluations would be conducted to ensure the facilities are adhering to basic program standards and City regulations. For example, facilities must demonstrate that they have in place a number of policies and procedures to ensure that services are being adequately provided to the clients and that there is a formal grievance process. Currently, funding for the contract auditor have been paid by the licensed facilities. Services have been limited due to many of the providers not having the ability to pay for an extensive program audit. To increase the quality of service delivery by licensed facilities, the City may want to subsidize the costs of program audit services and require the auditor to provide training programs and technical assistance (such as assistance with development of policy manuals when necessary) to the licensed correctional housing facilities.

A process for license revocation (and a corresponding appeal process) needs to exist when the facility does not comply with either premise or program conditions as specified in the ordinance. Additionally, there needs to be a grievance process for clients of the facilities. The following outlines steps to be taken when there is situation of noncompliance:

1. When premise violations exist, OCI will send a notice to the provider that they are in violation of the ordinance and outline timeframes for corrective action(s). If compliance is not attained by the specified time, OCI will follow-up by issuing a Uniform Criminal Complaint. The complaint will be adjudicated in Municipal Court. If during the annual license renewal process premise violations are found and not corrected, a new annual license will not be issued. The absence of a license is a criminal violation and would also be adjudicated in Municipal Court. (The Municipal Court Judge can impose fines and penalties for premise violations and operating without a license, but cannot revoke a license. Therefore, there still needs to be a process for revocation when premise conditions remain unresolved.)
2. When a facility has not complied with program requirements (as set forth in the ordinance), or when premise violations have not been successfully resolved by Municipal Court, there needs to be a process to revoke a license. The Superintendent of OCI and/or program auditor will need to have the authority to initiate the license revocation process. This process begins with the Superintendent (when premise violations exist), or the program

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auditor (when programmatic violations exist) making a recommendation to the City Manager that the license be revoked. Should this occur, the City Manager then appoints a three-person investigative committee to review the case (similar to a grievance board). The committee can make a recommendation to revoke or not revoke the license. The recommendation is forwarded to the City Manager who has 10 days to act on the recommendation. Should the Manager concur with a recommendation to revoke, the facility owners can appeal to the City Council.

3. When a client cannot resolve a dispute with the owners or managers of an alternative correctional housing facility, a process similar to the one outlined (above) could be initiated. The client brings a grievance to the Superintendent of OCI who requests that the Manager create a three-person investigative committee to review the case. The Committee's recommendations are forwarded to the City Manager who has ten days to respond. Should the facility or client disagree with the finding, they can appeal to the City Council.

4. There may be situations where neighborhoods need to have a forum to address issues associated with alternative correctional housing that are not addressed during the zoning and permitting processes. This could be accomplished by bringing such issues to the District Advisory Board and recommendations could be made to the City Council.

OPTION B - Continuation of the Current Advisory Board

This Option continues the Alternative Correctional Housing Advisory Board and continues the Regulatory Committee to address non-compliance issues and to provide for an appeal process. The Board depends upon the work of City departments to coordinate the licensing and regulatory process as well as the work of a program auditor. Under this option, the City Council must act to adopt the proposed Board structure - - as presented at the July 18, 2000 meeting - - or suggest other representation if appropriate.

If a more broad-base representation is desired for the Advisory Board, the City Council could select representatives from their respective District Advisory Boards, as well as appoint specific individuals as ex-officio with the professional backgrounds, as currently represented on the Board.

The current Alternative Correctional Housing Advisory Board is responsible for the following functions:

- ? A regulatory process to ensure those licensed facilities monitor and control clients whereabouts which help to ensure the safety of neighborhoods.
- ? An oversight group to ensure that providers are meeting minimum standards (both premise and programmatic).
- ? Serves as an appeal board for both clients and licensed providers (currently provided by the regulatory committee).
- ? Provides a mechanism for communication among governmental and regulatory agencies – especially agencies involved in correctional services.
- ? Serves as an information source about who is under supervision, thereby using that information for better decisions associated with this clientele.
- ? Provides a regulatory process serving as a screening tool for those agencies that place clients in these facilities. If they do not meet minimum standards, as set forth by this Board (and approved by ordinance), clients are not placed in the facilities.
- ? Assists in providing direction for program audit services and decisions, which arise due to monitoring conditions.

OPTION C – Combination of Advisory Board/Staff

This Option would maintain an advisory board appointed by the City Council to oversee the program on a periodic basis, but place the responsibility for licensing, oversight and enforcement with City departments. City Staff would contract with a program auditor on an-as-needed basis to assist in the training, technical assistance and program/operation evaluations of licensed establishments.

With whatever option (Administration/Regulation by City staff, Continued regulation by the Alternative Correctional Housing Board, or Combination of Board/Staff), is preferred by the City Council, additional funding may be required to expand the technical assistance and program audit services. Currently, providers pay \$400 per audit and, although the auditor has provided a complete work product, this level of funding has limited the provision of training and technical assistance. [For example, several clients could be better operators if they had more complete policy and procedure manuals.] An additional allocation (not to exceed \$5,000) would allow for enhanced program audit and technical services to improve the operations of the licensed facilities. After evaluation, if such services are found to be beneficial to improve the quality of licensed establishments, the program could be continued with an adjustment in provider fees or subsidized by the City.

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The City Council has the authority to regulate alternative correctional housing as a staff function or through an advisory board process, or both. Depending upon the preferred option by the Council, the Law Department will make the necessary ordinance revisions.

Council Member Cole

Council Member Cole said she believed someone from the Alternative Correctional Housing Board should be retained. Compromise C is acceptable. If previous standards are altered, it could be possible to have only one non-offender at the house. The City would be put back where it was when there were 40 houses.

Motion --
-- carried

Knight moved that Alternative C be approved, and the Ordinance, with the appropriate revisions, be adopted on its second reading. Motion carried 5 to 2. Cole, Lambke - No.

ORDINANCE NO. 44-725

An Ordinance amending Sections 20.08.010, 20.08.020, 20.08.030, and 20.08.090 of the code of the City of Wichita, Kansas, and amending Sections 20.08.040 and 20.08.110 as amended by Ordinance No. 44-629 of the code of the City of Wichita, Kansas, pertaining to the establishment of the Alternative Correctional Housing Advisory Board and licensing of correctional placement facilities, and repealing the originals of said sections, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas: Gale, Martz, Pisciotte, Rogers, Knight. Nays: Cole, Lambke.

VEHICLE PARKING

ORDINANCE AMENDMENTS - COMMERCIAL AND RECREATIONAL VEHICLE PARKING.

Deferred from September 12, 2000, meeting.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 00-0860 A

On September 12, 2000, the City Council deferred this Item. Due to complaints regarding commercial and recreational vehicles being parked in residential areas, staff was asked by Councilman Lambke to draft amendments to the parking ordinances which prohibit commercial and recreational vehicles from being parked on the street in residential areas for periods in excess of two hours.

The proposed amendments update a number of definitions in the traffic code and adopt the definitions provided for by the state statutes.

The amendments prohibit vehicles, which are used for commercial purposes from being parked in residential areas for longer than two hours. Vehicles, which have a gross vehicle weight of 12,000 pounds or more and are used for commercial purposes are prohibited from being parked on the street in residential areas for more than two hours. Commercial vehicles with a gross weight of less than 26,000 pounds are allowed, by the zoning code, to be parked in the driveways of residential areas.

Motorized recreational vehicles are prohibited from being parked on the street for more than two hours. Detached travel trailers are expressly prohibited from being parked on the street for any period of time pursuant to Section 11.52.060(b).

The amendments also prohibit vehicles from being parked on the same side of the street for more than two hours in the core area and in limited parking zones. The ordinance requires that all periods of time that a vehicle is parked in these areas be considered in determining if a violation of the two-hour period has occurred. This is to prohibit situations where vehicles were moved a few feet every two hours to avoid the provisions of the ordinance.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

William Peck

William Peck, 541 Sunrise Drive, said a two-hour period of time to load or unload is not a very long period of time.

RV's are not the same, and should not be considered the same in the Ordinance.

Consideration should also be given for a longer period of time for RV parking for out-of-town visitors (four to five days/1 week).

Council Member Rogers

Council Member Rogers stated that some areas have semi-trailer rigs in on weekends. It seems accommodation of all needs of all citizens should be considered. Opinions from all areas are needed.

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- Council Member Cole Council Member Cole said protective covenants in some areas preclude some RV's from being in those areas. Those areas are already protected.
- Council Member Lambke Council Member Lambke said the present ordinance is inconsistent in that it disallows 5th wheels but allows motor homes.
- Motion -- carried Knight moved that this Item be referred to District Advisory Boards. Motion carried 7 to 0.

SANITARY SEWER

NORTHWEST SEWAGE TREATMENT PLANT AND IMPROVEMENTS TO BASINS 1, 2, AND 3. (District V)

David Warren Director of Water and Sewer reviewed the Item.

Agenda Report No. 99-045 A.

On January 19, 1999, the City Council approved a plan for a new sewage treatment plant and other improvements to serve northwest Wichita. The selection of a consultant to perform project management tasks was approved by City Council on September 28, 1999. Tasks included the development of plans, specifications, and project estimates for the design and construction phase of the project. Cost estimates, along with a timeline for the construction of the treatment facility, were to be provided for budgeting purposes.

Estimated cost for the construction of the treatment facility and improvements to the basins is estimated to be \$ 23.1 million. The project is anticipated to be complete by 2002. Northwest Sewage Treatment Plant & Basins 1, 2, & 3 (CIP #S-512) has been established for this project.

The project will be financed by sewer revenues and revenue bonds. Approximately \$3.55 million has been allocated to-date for project development. The budgets will be \$11.5 million in 2001, and \$11.6 million in 2002. Allocation of a portion of the 2001 funding may be necessary in 2000, to allow for the bidding process to begin during 2000.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Martz moved that project expenditures and Notice of Intent to Publish be approved; and the Resolution be
-- carried adopted. Motion carried 7 to 0.

RESOLUTION NO. R-OO-342

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$23.1 Million, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CITY COUNCIL AGENDA

CONGRESS OF CITIES

SELECTION OF 2000 CONGRESS OF CITIES DELEGATES.

Agenda Report No. 00-0950.

The National League of Cities' annual business meeting will be held in Boston, Massachusetts, December 5-9, 2000. Decisions will be made on National League of Cities' policy amendments and proposed resolutions.

The National League of Cities, Annual Congress of Cities, invites each City to register its League voting delegates. Bylaws prescribe the total number of votes to be cast based on population. The City of Wichita, based upon its population, has eight (8) votes. The Bylaws also limit the total number of delegates (per city) to a maximum of one (1) voting delegate and one (1) alternate voting delegate to cast the eight (8) votes.

Motion -- carried Knight moved that Rogers be selected as voting delegate and Martz as voting alternate. Motion carried 7 to 0.

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APPOINTMENTS

BOARD APPOINTMENTS.

No appointments were made.

CONSENT AGENDA

Mayor Knight moved that all Items on the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 25, 2000.

Bids were opened September 22, 2000, pursuant to advertisements published on:

Paving Taft Avenue from the east line of Julia to the west line of Hoover Street; Hoover Street from the north line of Taft Avenue south approximately 225 feet to the existing pavement, and Sidewalk along one side of Taft Avenue and one side of Hoover Street to serve West Kellogg Power Center Addition - north of Kellogg, west of Hoover. (472-82757/765610/490721) Traffic at intersection of Taft and Julia shall be maintained through construction. (District V)

Cornejo & Sons Construction - \$148,837.25 (Group I)
\$155,841.50 (Total Group 2/Alternate #1)

Paving Rutgers from Sterling to Central Park and from Central Park to Ryan; on Ryan from the west line of Parkdale to Rutgers; on Central Park from the west line of Parkdale to Rutgers; on Ryan Circle from the west line of Rutgers to and including the cul-de-sac; on Rutgers Court from the west line of Rutgers to and including the cul-de-sac; on Sterling from the west line of Rutgers to the west line of Lot 1, Block 2; on Sterling/Parkdale from the south line of Lot 40, Block 4, to the south line of Lot 21, Block 5; and on Parkdale from the south line of Sterling/Parkdale to the south line of Lot 26, Block 5; and Sidewalk along the west and north side of Rutgers/Central Park; on the west side of Sterling/Rutgers and the east side of Parkdale from the south line of Lot 11, Block 7, to Parkdale to serve Evergreen Addition - north of 21st Street, west of Maize Road. (472-83255/765644/490755) Does not affect existing traffic. (District V)

Ritchie Paving - \$429,819.55

Paving Tyler, 965 feet north of Central to 225 feet south of 13th Street North - 9th and Tyler. (472-83169/706790/132282/200244) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Ritchie Paving - \$377,718.21

Water distribution system to serve Woodlake Second Addition - north of Douglas, east of Sheridan. (448-89474/734971/470641) Does not affect existing traffic. (District IV)

Nowak Construction - \$59,289.00

Water distribution system to serve Forest Lakes West Addition - north of 29th, east of Tyler. (448-89204/734984/470654) Does not affect existing traffic. (District V)

Nowak Construction - \$21,876.00

Water distribution system to serve property on either side of Hydraulic from 57th Street South to 63rd Street South - Hydraulic north of 63rd Street South. (448-89423/734944/635625/470614/760685) Traffic to be maintained during construction using flagpersons and barricades. (District III & IV)

Mies Construction - \$717,435.47

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Lateral 383, Southwest Interceptor Sewer to serve Forest Lakes West Addition - north of 29th, east of Tyler. (468-82768/743854/480542) Does not affect existing traffic. (District V)

WB Carter Construction - \$26,526.00

Lateral 39, District A, Sanitary Sewer No. 21 to serve Woodlake Second Addition - north of Douglas, east of Sheridan. (468-83112/743841/480529) Does not affect existing traffic. (District IV)

WB Carter Construction - \$121,457.00

McLean Boulevard, Phase V - Brick Pavers under US 54 Overpass - north of Lincoln, east of Seneca. (472-82586/706168/405170) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Cornejo & Sons Construction - \$51,470.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PLANS AND SPECS.

PLANS AND SPECIFICATIONS.

a) Widening Webb Road from Pawnee to Harry 87 N-0126-01/472 - 83093/448-89404 (706783)(635608). Traffic to be maintained during construction using flagpersons and barricades. (District II)

b) Widening Pawnee Avenue from Rock Road to Webb Road – 87 N-0129-01/472-83087/448-89404 (706782)(635608). Traffic to be maintained during construction using flagpersons and barricades. (District II)

Motion --
-- carried

Knight moved that the plans and specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., October 27, 2000. Motion carried 7 to 0.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

PRELIMINARY ESTS.

PRELIMINARY ESTIMATES:

a) 10th Street storm water sewer outfall - Wichita Drainage Canal at 10th Street North. (468-83117/660781/860528) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$1,370,000.00

b) Lateral 89, Main 1, Southwest Interceptor Sewer to serve Cedarvale Acres Addition - east of Washington, north of 47th Street South. (468-83059/743827/480515) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$33,000.00

c) Water distribution system to serve Hoskinson Second Addition - south of 37th Street North, west of Ridge. (448-89464/734972/470642) Does not affect existing traffic. (District V) - \$55,000.00

d) Water distribution system to serve Vandale Addition - along Waco/Minnie Avenue, south of 55th Street South. (448-89446/734950/470620) Does not affect existing traffic. (District IV) - \$189,437.85

Motion -- carried

Knight moved that Preliminary Estimates be received and filed. Motion carried 7 to 0.

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WATER LINE

PETITION FOR WATER LINE ALONG 119TH STREET WEST, NORTH OF 21ST STREET, TO SERVE DULING AND ABERDEEN COMMERCIAL ADDITIONS. (District V)

Agenda Report No. 00-0951.

The Petition has been signed by five owners representing 100% of the improvement district. It combines two Petitions that were previously approved as platting requirements.

The project will serve new commercial developments at the northeast and northwest corners of 21st Street at 119th Street West.

The Petition totals \$48,000, with \$34,000 assessed to the improvement district and \$14,000 paid by the Water Utility. The Utility share is for oversizing the pipeline to serve future development beyond the improvement district.

Motion -- carried

Knight moved that Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-343

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-88944, (north of 21st Street, along 119th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

KILLENWOOD POINTE **PETITIONS FOR PAVING AND WATER DISTRIBUTION SYSTEM TO SERVE KILLENWOOD POINTE ADDITION, SOUTH OF 13TH STREET, EAST OF GREENWICH.** (District V)

Agenda Report No. 00-0952.

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving and water distribution system to a new residential development.

The Petitions total \$349,310. The funding source is special assessments, except for \$5,350 paid by the Water Utility. The Utility share is for the cost of over-sizing a pipe to serve future development outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by the owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-344

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89491, (south of 13th Street, east of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-345

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89495, (south of 13th Street, east of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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RESOLUTION NO. R-00-346

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89496, (south of 13th Street, east of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-347

Resolution of findings of advisability and Resolution authorizing improving of Killenwood Court from the east line of Killenwood Court to and including the cul-de-sac serving Lots 11 through 22, Block 1, (south of 13th Street, east of Greenwich) 472-83269 the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-348

Resolution of findings of advisability and Resolution authorizing improving of Killenwood from the east line of Greenwich to the west line of Reserve B (472-83257), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-00-349

Resolution of findings of advisability and Resolution authorizing improving of Killenwood Court from the north line of Killenwood to and including the cul-de-sac serving Lots 1 through 10, Block 1, (south of 13th Street, east of Greenwich) 472-83268, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

CLAIMS

REPORT ON CLAIMS ALLOWED AUGUST, 2000:

<u>Name of Claimant</u>	<u>Amount</u>
Leona Dunagan	\$108.00
Kim Rogers	\$700.00
Dana Hershberger	\$376.95
Bill Perdue	\$348.00
Jerry L. Engstrand	\$676.29
Hartford Ins. Co./Tony Molina	\$346.94

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

POLICE RECORDS

HIGH DENSITY MOBILE STORAGE SYSTEM – POLICE DEPARTMENT.

Agenda Report No. 00-0953.

The Police Department currently uses hand-built wooden shelves that store files. Neither the folders nor the labels are reusable and both represent a significant on-going cost. The shelving requires use of stepladders or other means to reach the top three shelves. Disposition Journals (DJ's) are stored in 16 different filing cabinets within the Records area and are increasingly difficult to access due to increasing storage demands and years of service. An RFP was issued to seventeen vendors; only one bid was received. Staff has evaluated the bid and recommends Records Retrieval Systems as the vendor.

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The proposed system consists of large, moveable units on wheels and tracks, which allows for more storage in the same area. The new units are easy to move, require virtually no maintenance, and are much safer than the current shelving system. Ladders and other aides would no longer be necessary, thus decreasing the potential for falls and other related injuries. In addition, the new system will have permanent color-coded standard-sized file folders that are easily marked for use to enhance the efficiency of personnel. The system will reduce copying requirements, maintenance agreements, and supply costs.

The new system and modifications were bid at \$56,945. Funding is budgeted within the 1998 Local Law Enforcement Block grant.

Council approval is required for bids over \$10,000.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PROJECT ACCESS

PROJECT ACCESS CONTRACT RENEWAL.

Agenda Report No. 00-0954.

On June 1, 1999, representatives from the Sedgwick County Medical Society made a presentation to the Wichita City Council on Project Access, a program that links physicians, social service agencies, hospitals, clinics, and area pharmacies to address the needs of uninsured low-income residents.

The Project received funding commitments from the United Way and Sedgwick County, and a similar request was made of the City. A contract between the City and the Central Plains Regional Health Care Foundation, Inc. (the non-profit organization responsible for Project Access) was developed and approved by the City Council on September 28, 1999.

The City of Wichita receives federal Community Services Block Grant (CSBG) funds for services to low-income persons. The Project Access contract allowed the use of \$250,000 in CSBG funds for physician-authorized medications and durable medical supplies. This contract expired on August 31, 2000; however, under the contract renewal clause, a contract amendment has been developed, under the same terms and conditions, to expire August 31, 2001.

No local funds are requested for the program.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

TELEPHONE

CONTRACT FOR TELEPHONE SERVICE.

Agenda Report No. 00-0955.

In June, 1999, the Council approved a second five-year contract with Southwestern Bell for Plexar (Centrex) telephone service. This service is used at outlying locations where PBX telephone service is not feasible.

On March 2, 2000, a consent decree was issued by the Kansas Corporation Commission which forces local telephone markets open to competition. The decree provides for a "fresh look" at local telephone service provision, and applies to all contracts entered into prior to the decree.

Pursuant to the order, the City received an unsolicited proposal from Adelphia Business Solutions offering to better the current level of service with a cost reduction of \$10,500, or 22% lower annual cost from current rates. The proposed contract term is five years. The City will be able to terminate the contract at any time and at no additional cost.

The City contacted Southwestern Bell to offer the opportunity to meet (or beat) the price and service levels offered by Adelphia. Southwestern Bell is able to offer a more favorable price than it currently does, but the design of its network constrains it from offering the improved level of service the City will receive from Adelphia. At the present time, there are no other telecommunications service providers who have a demonstrated capability to provide a level of service equal to or better than the service offered by Adelphia.

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The City will save \$126,000 over the five-year term of the proposed contract. These savings will help the City to continue providing quality telecommunications services without increased costs.

The proposed contract will be reviewed and approved as to legal form by the Department of Law.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

BIKEPATH

SUB-EASEMENT FOR GYPSUM CREEK BIKE PATH. (District III)

Agenda Report No. 00-0956.

On July 21, 1998, the City Council approved an agreement with Sprint and the Kansas Turnpike Authority, which allows for a portion of the bicycle path to be constructed on Turnpike right-of-way in the area east of Oliver.

The time period provided for constructing the project expired in May, 1999. It is necessary to approve a new Agreement to extend the construction time period through August, 2001. The project is now under contract and work is expected to begin within 30 days and be completed next spring. The Agreement is required in order for construction on Turnpike property to proceed.

There is no cost to the City.

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

RESPREAD SPECIALS

RESPREAD ASSESSMENTS: BRADLEY FAIR THIRD ADDITION, SOUTH OF 21ST STREET NORTH, EAST OF ROCK ROAD. (District II)

The owner, Vantage point Properties, Inc. , has submitted an Agreement to respread special assessments within his property of Bradley Fair Third Addition.

The land was originally included in numerous improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments to more fairly distribute the cost of the improvements

Motion --
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

IRB-CARIBBEAN

EXTENSION OF LETTER OF INTENT FOR INDUSTRIAL REVENUE BOND – ROYAL CARIBBEAN CRUISES LTD. (District IV)

Agenda Report No. 00-0959.

On October 12, 1999, the City Council approved the issuance of a one-year Letter of Intent for Industrial Revenue Bonds ("IRBs") in an amount not-to-exceed \$18,425,000 to Royal Caribbean Cruises Ltd, and a 100% five-plus-five-year property tax exemption, in conjunction with their current expansion project. Bond proceeds were used to acquire, renovate and equip a 23,000 sq. ft. facility located at 4729 S. Palisade in south Wichita, for use as a telephone reservation center. Royal Caribbean Cruises Ltd. has requested a six-month extension to the term of the Letter of Intent.

Royal Caribbean Cruises Ltd. has requested an extension because construction of the project is nearly complete; however, it does not appear that it will be finalized and the cost and expenses associated therewith fully-known prior to the date the Letter of Intent expires. The company is now requesting an extension of six-months of the Letter of Intent until April 12, 2001.

There is no financial impact on the City resulting from the requested extension.

Bond documents required for the issuance of the bonds will be prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

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Motion -- Knight moved that the extension of the Letter of Intent to Royal Caribbean Cruises Ltd. for Industrial Revenue Bonds in an amount not-to-exceed \$18,425,000 and a 100% five-plus-five-year property tax exemption for six months ending April 12, 2001, be approved. Motion carried 7 to 0.

-- carried

OLD TOWN PARKING REQUEST TO PLACE PROPERTY IN OLD TOWN PARKING DISTRICT. (District VI)

Agenda Report No. 00-0960.

The owner of property located at 917 East Douglas is planning on renovating the building and opening a restaurant. This building has been vacant for seven years. Currently there is space available for only 12 parking spaces on the property. The current off-street parking requirement for a restaurant use at this location is 36 spaces.

In order for the owner of the property to develop it as a restaurant it is necessary for the property owner to identify an additional 24 parking spaces, which are dedicated to the use of the restaurant. The owner has a verbal agreement with the Wichita Eagle for use of a portion of the lot near the rear entrance that will provide adequate parking. However, the owner is unable to obtain a written agreement for this use that is required under existing zoning provisions in order for him to obtain a certificate of occupancy. The owner is willing to pay into the Old Town Parking District in order to satisfy the zoning provisions. The owner believes that there is very little likelihood that any patrons of the restaurant will actually park in lots located in Old Town. The Development Coordinating Committee recommended approval of this request.

The Old Town Parking District will receive monthly payments for 24 parking spaces.

The City may permit this property owner to participate in the Old Town Parking District.

Motion -- Knight moved that the request be approved with the owner of 917 East Douglas entering into an Agreement with the City to pay the monthly fee for 24 off-street parking spaces in order that the applicable zoning requirements are met. Motion carried 7 to 0.

-- carried

SIDEWALKS 2000-2001 ARTERIAL SIDEWALK AND WHEELCHAIR RAMP PROGRAM.

Agenda Report No. 00-0961.

The Capital Improvement Program (CIP) includes funding to construct sidewalk on arterial streets and install wheelchair ramps at various locations in the City (CIP No. MS-200005, page 52). The wheelchair ramp component of the program is part of a 10-year effort to retrofit the entire City as required by the Americans with Disabilities Act of 1990 (ADA).

The proposed arterial sidewalk locations are:

The west side of Rock, between Polo and 13th.

The east side of Oliver, from Morris to north of Gilbert.

The south side of Lincoln, between Bluffview and Oliver.

The north side of 25th Street North, from Amidon to Garland.

Affected District Advisory Boards sponsored neighborhood hearings for the proposal. Abutting property owners were notified. There is no apparent opposition to the sidewalk locations.

The project budget is \$680,000, of which \$580,000 is for wheelchair ramps and \$100,000 for arterial sidewalk construction. A total of \$466,000 is programmed in the current CIP. The funding increase is needed to ensure compliance with judicial instructions associated with ADA requirements. The funding source is General Obligation Bonds.

Motion -- carried Knight moved that project be approved and that the Ordinance be placed on first reading. Motion carried 7 to 0.

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ORDINANCE

An Ordinance declaring Rock Road from 13th Street North to Polo; Oliver, from Morris to Gilbert; Lincoln, from Bluffview to Oliver; 25th Street North, from Amidon to Garland; and wheelchair ramps at various locations (2000/2001 Arterial Sidewalk and Wheelchair Ramp Program) 472-83270, to be main trafficways within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficways; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the plans laid over.

PROPERTY ACQ.

PROPERTY ACQUISITION: 734 NORTH RIDGE ROAD FOR THE CENTRAL/RIDGE INTERSECTION PROJECT. (District V)

Agenda Report No. 00-0962.

The widening and improvement of Central from the Big Ditch to Woodchuck is included in the Arterial Corridor improvements in the 2000 CIP.

As part of this project, the intersection of Ridge Road and Central will be widened and turn lanes added. These improvements will require the acquisition of a portion of the Cimarron Apartments on the east side of Ridge Road, north of Central Avenue, commonly known as 734 North Ridge Road. The site contains 254,932 square feet and is improved with 152, 1 & 2 bedroom apartments. The parcel to be acquired contains 3,543.67 square feet. The taking does not impact the improvements. The acquisition was appraised at \$26,580 with an additional \$25,700 for the cost to cure damages for a total value of \$52,280. The owner has agreed to sell the property for this amount.

The Capital Improvement Program includes funds for Arterial Corridor acquisitions. The funding source is General Obligation Bonds. A budget of \$59,780 is requested. This includes \$52,280.00 for the acquisition and \$7,500 for closing costs, partial mortgage release and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

STORM WATER DRAIN

AMENDING RESOLUTION: STORM WATER DRAIN TO SERVE PLAZA CENTRAL OFFICE PARK, SOUTH OF CENTRAL, EAST OF GREENWICH. (District II)

Agenda Report No. 00-0963.

On October 12, 1999, the City Council adopted a Resolution that authorized construction of a drainage system for Plaza Central Office Park.

The Resolution contained an error in the fractions that distribute assessments within the improvement district. An Amending Resolution has been prepared to correct the error.

There is no impact on the project cost.

Motion -- carried

Knight moved that Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-350

A Resolution amending Resolution No. R-99-395 of the City of Wichita, Kansas, authorizing Storm Water Drain No. 143 (south of Central, east of Greenwich), Project Number 468-82976, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST SEPTEMBER 19, 2000)

- a) Amending Section 11.80.030 – oversized vehicles.

ORDINANCE NO. 44-722

An Ordinance amending Section 11.80.030 of the Code of the City of Wichita, Kansas, pertaining to height and length of vehicles and repealing the original of said Section, read for the second time.. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b) 47th Street South and Palisade intersection signalization. (District IV)

ORDINANCE NO. 44-723

An Ordinance declaring the Intersection of 47th Street South at Palisade (472-83261) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time.. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- c) Sidewalk repair.

ORDINANCE NO. 44-724

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, read for the second time.. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

PLANNING AGENDA

S/D 99-56

S/D 99-56 – PLAT OF ECK SIXTH ADDITION, LOCATED ON THE SOUTHEAST CORNER OF 183RD STREET WEST AND CENTRAL AVENUE. (District V)

Agenda Report No. 00-0964.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (11-0)

This plat is zoned RR, Rural Residential and is located in the County within three miles of Wichita's City limits.

The site has been approved by the County Health Department for the use of on-site sanitary sewer and water facilities. A restrictive covenant has been provided regarding the lagoon sewage system to serve the property. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The restrictive covenants will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that documents and Plat be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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EXECUTIVE SESSION

Motion --

Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, legal advice, and contract negotiations; preliminary discussions relating to the acquisition of real property for public purposes; and confidential data relating to the financial affairs or trade secrets of a business; and return to regular session no earlier than 10:55 a.m. Motion carried 7 to 0.

-- carried

RECESS

The City Council recessed at 10:20 a.m. and reconvened at 11:15 p.m.

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 11:15 a.m.

Pat Burnett CMC
City Clerk